

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2023 JUN 15 PM 3:15

Martina Inumidun Iwala©

(full name of the plaintiff or petitioner applying (each person must submit a separate application))

-against-

New York City Police Department 032 Precinct; Alex Yakatally; Daniel Gines shield 19125
Steven Mazzamuto or unnamed actor shield number 2775; John Doe 1-3; Jane Doe 1-3
Jennifer Garcia shield 5765; Brandon Jairam shield 20545

(full name(s) of the defendant(s)/respondent(s))

CV

() ()

(Provide docket number, if available; if filing this with your complaint, you will not yet have a docket number.)

COMPLAINT

JURY TRIAL DEMANDED

I. BASIS FOR JURISDICTION

List federal constitutional or federal statutory rights that have been violated

Right to privacy, Right to a fair trial, 18 U.S.C. § 241, violation of the Fourth Amendment: protection against unreasonable searches and seizures, Right to be free from arbitrary arrests and detention, unlawful arrest; violation of the Eighth Amendment: protection against cruel and unusual punishment, 18 U.S.C. § 242, violation of the Fifth Amendment: right to due process of law, Right to equal protection under the law, Right to protection against discrimination based on gender, Right to confront evidence, 42 U.S.C. § 1986; Securities fraud; Malicious prosecution; Violations of the Americans with Disabilities Act (ADA); Violations of the Rehabilitation Act, Right to speedy trial.

II. PARTIES

A. Plaintiff Information

One, Martina Inumidun of the Iwala family, is a private American Citizen receiving correspondence at 117 West 141 Street, Apartment 46, Harlem New York; Exhibit A1.

B. Defendant Information

Defendant 1: Alex Yakatally | Current Work Address: 250 West 135th Street, New York, 10030

Defendant 2: Daniel Gines shield 19125 | Previously known Work Address: 250 West 135th Street, New York, 10030; Exhibit A2

Defendant 3: Steven Mazzamuto shield 2775 | Current Work Address: 250 West 135th Street, New York, 10030

Defendant 4: Jennifer Garcia shield 5765 | Current Work Address: 250 West 135th Street, New York, 10030 Exhibit A3

Defendant 5: Brandon Jairam shield 20545 | Current Work Address: 250 West 135th Street, New York, 10030 Exhibit A4

Defendant 6-9: 032 Precinct of the New York City Police Department John Does 1-3 | Current Work Address: 250 West 135th Street, New York, 10030

Defendants 10-13: 032 Precinct of the New York City Police Department Jane Does 1-3 | Current Work Address: 250 West 135th Street, New York, 10030

Defendant 14: Akter shield 19881 | Current Word Address: 250 West 135th Street, New York, 10030

Defendant 15-19 032 Precinct of the New York City Police Department Jane Does 4-8 | Current Word Address: 250 West 135th Street, New York, 10030

III. STATEMENT OF CLAIM

FACTS:

On **January 20 2021 1502** Eastern Standard Time Daniel Gines shield 19125 is seen giving a IP's stalker ex-boyfriend and his female accomplice known as "Nunu" tips on how to avoid police being able to remove the two criminals from the premises.

In **February 2021** Daniel Gines shield 19125 violated the active order of protection by asking IP details about the case and the order of protection. Daniel Gines shield 19125 asked IP "Why did you tell the judge you dated?"

In **February 2021** As IP pulled out phone to begin recording, Daniel Gines 19125 calls IP a "tranny nigger" before turning on his body cam then reaching over as if to turn on his partners body camera and smiling.

On **September 27 2022** Beneficiary of MII GLOBAL TRUST© was performing functions for entertainmii LLC, MII GLOBAL©, MII GLOBAL TRUST©, THEBURROWSMEDIA CO©, and MARTINA ANTOINETTE DE TRUFF© LLC (collectively known as the Entities). The Beneficiary also referred to as "Injured Party" or "IP" Injured Party was performing her duties as Location Scout for the upcoming dramatic comedy #onlyinNewYork when a black male verbally accosted her while she was on the phone walking southbound on the west side of Frederick Douglass Boulevard. Unfortunately, this lead to a physical altercation when the representative began calling out for help and residents of Adam Clayton Powell Jr Blvd looked out of their windows with one resident in particular coming out to assist when it was clear the representative was unable to walk. While on the phone with a second 9-1-1 operator, the beneficiary attempted to use her work phone's flash feature to get the approximately six (6) white shirt actors' attention. It was then noticed that they were across the avenue laughing with each other at something on their phones rather than finding the injured party. At this point, one of the actors called the injured party to find out where injured party was. They then instructed injured party to hop or crawl from a safe area with witnesses to an area easier for them to find her.

On **September 28 2022** at approximately 00:10 (12:10 AM) Eastern Standard Time, a man, woman, person or actor performing the duty of operator was informed of the leg injury during a 9-1-1 call.

Defendant 5: Brandon Jairam shield 20545 | Current Work Address: 250 West 135th Street, New York, 10030 Exhibit A4

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On **September 28 2022** at approximately 00:10 (12:10 AM) Eastern Standard Time, a man, woman, person or actor performing the duty of operator was informed of the leg injury during a 9-1-1 call.

On **September 28 2022** at approximately 00:18 (12:18 AM), Eastern Standard Time, two squad cars appeared on the scene with an additional number showing up there after. The men, women, persons and entities acting as officers hopped out of the cars and began chatting with one another. About three (3) minutes pass until IP is instructed by "white shirt" defendants to hop to the corner in order to make it easy to find the IP in the dark. One (1) woman, man, person or entity acting as an officer approached the beneficiary after about 3 minutes repeatedly stating "you're [the beneficiary] on 135th street, not 137th." When they were clearly on 136th street facing south on Frederick Douglas Boulevard as displayed in the video uploaded to YouTube.

On **September 28 2022**, IP shows footage of assailant to the responding "white shirt" defendants. The video shows the unnamed assailant walking away with the words "HELP" clearly audible in the background.

An ambulance appeared with two people informally diagnosing IP with a sore ankle.

Unbeknownst to the IP at this moment, she sustained at least a partial rupture to her Achilles tendon later confirmed on **October 18 2022**.

On **September 28 2022**, IP was abandoned at Columbia Hospital's Emergency Room and after waiting nearly two hours, limped to a car service without any assistance. IP left due to pressing contracts and duties with the entities and persons mentioned above.

There was no report taken on **September 28 2022**.

There was no arrest made on **September 28 2022**.

On **October 18 2022**, Martina Inumidun Iwala© dialled 9-1-1 twice before 1400 (2:00 PM) eastern standard time.

On **October 18 2022** at **16:20** (04:20 PM) Eastern Standard Time, a Caucasian male calls 9-1-1 stating he has been hurt by IP. Actors Jennifer Garcia and Brandon Jairam were informed of an injury before IP was illegally and unlawfully detained leading to further damage to IP. IP informed both Jennifer Garcia and Brandon Jairam of contracts barring unauthorised recording and documentation. While unlawfully seized and illegally in custody, IP lost balance and subsequently fell to the ground. While on the ground, actor Jennifer Garcia stated "Yeah right, you're not hurt yet." and at some point stomped in addition to leaving the authorised representative on the ground allowing onlooker(s) to step on and kick the authorised representatives ankle causing further damage to IP's Achilles tendon.

Obstruction of a Criminal Investigation (18 U.S.C. § 1510): Jennifer Garcia takes IP's evidence gathering tool [phone] and stops the recording before taking unlawfully restraining IP.

When asked what she was being detained for they claimed IP was not being detained or arrested on two (2) separate occasions.

Kidnapping (18 U.S.C. §1202) and Unlawful use of restraints on IP on October 18 2022 at approximately 1650 (04:50 PM) Eastern Standard Time, Actors Brandon Jairam and Jennifer Garcia unlawfully and illegally detained, forcibly touched, forcibly touched with threat of deadly weapon, kidnapped, falsely imprisoned, imprisoned under aggravated circumstances and trafficked. During the time, the authorised representative requested to see the magistrate over five (5) times. The

authorised representative was subject to false imprisonment, aggravated imprisonment, aggravated arrest, kidnapping and forcible touching.

Sexual Abuse or Assault (18 U.S.C. § 2241, § 2242) see above;

Conversion of Property (18 U.S.C. § 654): IP was deprived use of personal property;

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Deprivation of Civil Rights 18 U.S.C. § 242 Unlawful restriction of IP's freedom on October 18 2022.

On October 18 2022 at approximately 1659 (04:59 PM) Eastern Standard Time, IP demanded to see the magistrate over four (4) times. IP was taken to the 032 Precinct and further detained for approximately thirty (30) minutes.

Fact: The requirements of what a warrant should contain depends primarily on constitutional mandates due process practices, and common law principles. The common law requires that an arrest made on warrant be issued only after a formal charge is made under oath. Thus no arrest is valid unless based upon sworn affidavit.

An affidavit that does not appear to have been sworn before any judicial officer before **October 18 2022** and a warrant signed only by the officer who made the arrest and not dated or authenticated afford no lawful authority for the arrest and detention of an accused. Another obvious requirement of a warrant that would make it void on its face is if it is not signed by the Magistrate or the Justice of the Peace in accordance with Federal Rules of Civil Procedure Rule 17 full legal names must be used.

A constable justifying an imprisonment under a warrant must show that the warrant on its face is legal and that the magistrate had jurisdiction of the subject-matter, both a proper subject matter jurisdiction and geographical jurisdiction are necessary for a valid warrant. It is generally held that where the court has no jurisdiction the officer executing a warrant will be liable in damages. The question of jurisdiction can be raised at any time. and since neither consent nor waiver can give jurisdiction, the court will not proceed where it appears from the record that it has no authority.

Do be reminded that all interaction between human beings, persons, entities, etc is contractual in nature. A valid contract has three elements: offer, acceptance and consideration.

On **October 18 2022**, the (offer) of a violated statutes (crime) was accepted once the men, women and persons acting and employed as officers of the New York City Police Department responded to the phone call made through 9-1-1 and ticket accepted.

Fact: The one arresting has no lawful authority to act as statutes do not grant rise to arrest. Thus a valid defence of proper justification for false imprisonment would normally be one asserting the legality of the arrest. Confirmed in New York Supreme Court on July 4, 1853 in *Pratt v. Hill*, 16 Barb. 303 (1853), Justices Cady Hand; and

C. L. Allen agreed "*I have no doubt the magistrate in this case acted from an honest belief that he was authorized to make the indorsement on the back of the warrant. But as to that it was an excess of jurisdiction, and wholly illegal; and therefore not a question of good faith, but of authority. The*

law watches personal liberty with vigilance and jealousy ; and whoever imprisons another, in this country, must do it for lawful cause and in a legal manner."

Burden of proof: in false imprisonment suits and allegations for false arrest, it can be no defence that one who was arrested must prove that the arrest was unlawful in order to prevail in the suit. Due to the high regards placed on liberty all imprisonments of a person are deemed unlawful until the contrary is shown. *Halsbury law of England in speaking on suits of false imprisonments: the Plaintiff need not prove imprisoned by the defendant and lies on the defendant."*

The actors Brandon Jairam and Jennifer Garcia affirmatively instigated, encouraged, incited and caused the detention, arrest, and/or imprisonment. When the injured woman has shown that she was arrested, imprisoned or restrained the law presumes it to be unlawful unless it has been held that in false imprisonment suits, the defendant in order to escape liability, must either prove that he, she, or they did not imprison the plaintiff or must justify the imprisonment. Stated another way, the burden is upon the defendant to show that the arrest was by authority of law not statute.

Badkin vs Powell Cowp. 476 478

Holroyd v. Doncaster, 11 Moore 440 "Where a man deprives another from his liberty the injured party is entitled to maintain an action for false imprisonment and it is for the defendant to justify his proceedings by showing that he had legal authority for doing that which he had done. Where the arrest was done without a warrant the person arresting would have to justify by showing he acted pursuant to due process of law by showing there was a felony or breach of peace committed. Where an officer arrests a person without a warrant the burden rests upon the officer to plead and prove justification otherwise the arrest is *prima facie* unlawful."

DUE PROCESS OF LAW violations & infringements

On **October 18 2022** due process of law was violated when the men, women, persons and actors wilfully refusing to view visual and audio recording of the incident evidencing the hate crime & premeditated story irregularities.

On **October 2022** due process of law was violated when the men, women, persons and actors wilfully damaged the reputation of [MII GLOBAL TRUST©, MII GLOBAL LLC, MARTINA ANTOINETTE DE TRUFF© LLC, MARTINA INUMIDUN IWALA© LLC, entertainmii LLC] in allowing bystanders to threaten assault, assault, defame, defraud, name call, record, produce and reproduce footage, images and audio to over 10,000 men, women, persons, entities and actors;

October 18 2022 False Statements: 18 U.S.C. §1001 recorded and written by Jennifer Garcia in incident reports and arrest records;

False Statements: 18 U.S.C. §1001. Daniel Gines made false statements at the precinct, in incident reports and arrest records;

Identity Theft (18 U.S.C. § 1028): **stolen information was used to create the bid bond to attach to the summons.**

Extortion: 18 U.S.C. § 1951. On **October 18 2022** just compensation was not negotiated for seizure of private property;

On **October 18 2022** a legally insufficient statement was provided in abuse of process;

No probable cause or reasonable suspicion to believe a crime has been committed.

On **October 24 2022** at approximately 20:11 (08:11 PM) Eastern Standard Time, the aggravated harassment began. On October 24 2022 at 20:12 (08:12 PM) Eastern Standard Time, an incoming call was missed from +1-646-854-1740;

On **October 24 2022** at 20:26 (08.26pm) Eastern Standard time, phone number +1-646-854-1740 sent a text message using sms stating "Correct me if I'm wrong but weren't you arrested not long ago? Keep spreading bullshit see me at your unit soon.";

On **October 24 2022** at 21:39 Eastern Standard Time, IP received a text message send using SMS from phone number +1- 646-854-1740;

On **October 27 2022** at approximately 10:11 (10:11am) Eastern Standard Time, IP received a text message sent via SMS service stating "Ur retarded" from phone number +1-646-854-1740 followed by

On **October 23 2022** at approximately 10:20 (10:20 AM) + 3 minutes and 10:41 (10:41 AM) + 4 minutes Eastern Standard Time, IP was wilfully denied due process of law when waiting to file police report;

On **October 26 2022** at approximately 21:55 (09:55 PM) + 3 minutes Eastern Standard Time The complete and wilful dereliction of duty is highlighted when IP waited in the cold, with a disability for over an hour with no one appearing;

Thursday **June 1 2023** at approximately 1530 eastern standard time, the injured party's private rights are once violated again when property was seized without just compensation for over 19 hours;

18 U.S.C. § 3142: This statute establishes the procedures and standards for pretrial release and detention. When a police officer violates these procedures and unlawfully detains an individual, it is a basis for injury.

On Thursday **June 1 2023** Injured Party's private property was seized without due process of law;

On **June 1 2023** at approximately 1650 (4:50PM) Eastern Standard Time IP was denied the right to be seen by a magistrate.

Let the record also note in addition to being denied the right to be taken to the magistrate, IP was denied access to legal representation while asking to have details shared with an ADA.

IP was also denied communication with Detective Cox and denied communication with Alex Yakatally of the 032 Precinct.

On Thursday **June 1 2023** Injured Party was held for ransom as debtor for "MARTINEZ IWALA" or "INUMIDUN IWALA" or "IWALA INUMIDUN" or any variation of those listed on the bid bond(s) or GSA bond(s).

On Friday **June 2 2023** IP's photograph was taken against consent violating the Fourth Amendment right to privacy.

June 2 2023 IP's photograph was taken against consent violating the US Privacy Act of 1974.

On Friday **June 2 2023** the injured party's private property was seized for over 19 hours under the false arrest warrant for "MARTINEZ INUMIDUN IWALA" or "MARTINEZ IWALA INUMIDUN" or "IWALA MARTINEZ INUMIDUN" or "MARTINEZ IWALA INUMIDUN" or "INUMIDUN MARTINEZ IWALA" or "INUMIDUN IWALA MARTINEZ".

Injured Party was received cruel and unjust punishment by being inhumanely starved and without water on June 1st 2023 through June 2nd 2023.

Injured Party was denied right of a speedy trial for being held over 19 hours from 1640 June 01 2023 to 0930 June 02 2023 at 032 Precinct of the New York City Police Department.

CONDITION OF A FELONY ARREST

All persons who are present when a felony is committed or a dangerous wound is given are bound to apprehend the offender(s) 3 Hawkins B.C. 157 Arrest S.1.31. To arrest a person for a felony not witnessed by any officer, he must be able to conclude from the facts existing that a certain person did commit a felony thinking that the felony so that any prudent person would be led to believe likewise. An arrest for felony based upon suspicion, belief, or rumour can never be justified for any case whatsoever, not even by a warrant can such an arrest be lawful. Where there is a felony and it has passed the officer is justified in arresting though no offence has been committed yet he must have had reasonable and articulable suspicion compounded with the reasonable and articulable fact. Monday November 15 2022 IP received harassing phone calls from actors from the New York Police Department and claimed "wrong number" after calling 4 times in a row. Codes violated by men, women entities, and actor(s) of the 032 Precinct of the New York City Police Department.

A rather complete description of what does and does not constitute false imprisonment was given by the Supreme Court of Kansas *Garnier v. Squires*, 62 Kan. 321, 62Pac.1005, 1006 (1900); *Kroeger v. Passmore*, 36 Mont. 504, 93 Pac. 805,807 (1908) as follows: "False imprisonment is necessarily a wrongful interference with the personal liberty of an individual. The wrong may be committed by words alone or by acts alone, or by both, and by merely operating on the will of the individual, or by personal violence, or by both. It is not necessary that the individual be confined within a prison or within walls, or that he be assaulted or even touched. It is not necessary that there should be any injury done to the individual's person or to his character or reputation; nor is it necessary that the wrongful act be committed with malice or ill will, or even with the slightest wrongful intention; nor is it necessary that the act be under colour of any legal or judicial proceeding. All that is necessary is that the individual be restrained of his liberty without any sufficient legal cause therefore, and bywords or acts which he fears to disregard."

The summons is proof of false imprisonment, aggravated false imprisonment, aggravated kidnapping and false arrest.

Found in *Sinclair Refining Co. v. Meek*, 62 Ga.App.850, 10 S.E. 76, 79 (1940), citing 3Bl. Com. 127;12 *Amer.& Eng.Ency.ofLaw*;721; 19 Cyc.319: "False imprisonment at common law and elsewhere consists in the unlawful detention of the person of another for anytime, whereby he is deprived of his personal liberty."

Found in *23 Meints v. Huntington*, 276 Fed.245, 249 (1921), citing: *3Blackstone, Com.127, 4BlackslOne, Com.218*: "False imprisonment was an indictable offense at common law, and relief by the party aggrieved was obtained by an action for trespass vi et armis {with force & arms})."

There was no implied contract.

Private property shall not be taken without due process of law and just compensation. *Knight 1' Baker*, 117 Ore. 492, 244 Pac. 543, 544 (1926).

INJURIES

Excessive use of force;

Intentional infliction of emotional distress;

Official Oppression (18 U.S.C. § 242)

Damage to reputation as unknown and unsaved number(s) message IP on her provided work phone mentioning the arrest;

Defamation: a legally insufficient summons was issued and smeared the legal and criminally clean identity of "Martina Inumidun Iwala";

Civil Rights violations: infringing on due process;

Civil Rights violation: unlawful search and seizure;

Violation of the Americans with Disabilities Act;

Invasion of Privacy: taking private property and moving it into the public without authorisation.

Invasion of Privacy: taking images, audio, on any devices or streaming or transmitting node without consent.

Sexual Misconduct;

Failure to accommodate religious practices: was asked to take off my head wrap or niqab in front of stranger. This is against my faith and religion.

FINANCIAL LOSES

One, Martina Inumidun Iwala© also referred to in this case as Injured Party and 'IP' suffered from lost wages from entertainmii LLC while seized on October 18 2022.

One, Martina Inumidun Iwala© also referred to in this case as Injured Party and 'IP' suffered from lost wages from theBurrowsMedia Co while seized on October 18 2022.

One, Martina Inumidun Iwala© also referred to in this case as Injured Party and 'IP' suffered from lost wages from MII GLOBAL TRUST© while seized on October 18 2022.

One, Martina Inumidun Iwala© also referred to in this case as Injured Party and 'IP' suffered from lost wages from MARTINA INUMIDUN IWALA© LLC while seized on October 18 2022.

On **October 18 2022**, Injured Party suffered from irreversible injury to anatomy of the left achilles tendon due to negligence while illegally detained, held in custody and under arrest.

One, Martina Inumidun Iwala© also referred to in this case as Injured Party and 'IP' suffered from lost wages from entertainmii LLC while seized on June 01 2023.

One, Martina Inumidun Iwala© also referred to in this case as Injured Party and 'IP' suffered from lost wages from theBurrowsMedia while seized on June 01 2023.

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IV. RELIEF

I pray for a speedy trial pursuant to CPL 30.30.

I pray for a speedy trial pursuant to the Fourth Amendment.

I pray for all records, images, audio, footage, and other identifying variables related to MARTINA INUMIDUN IWALA© be eliminated from all records, servers and storage in accordance with 5 U.S.C. § 552a.

I pray for all records, images, audio, footage, and other identifying variables related to MARTINEZ INUMIDUN IWALA and INUMIDUN IWALA MARTINEZ, and INUMIDUN MARTINEZ IWALA, and IWALA MARTINEZ INUMIDUN be eliminated from all records, servers and storage in accordance with 5 U.S.C. § 552a.

I pray all past due and overdue invoices be paid to the injured party immediately.

I pray a compensation from the proceeds of the court due to damages the injured party suffered as a result of said arrests(s) and seizure(s) of property on October 18 2022 in the sum of four-hundred-and-sixty million dollars (\$460,000,000.00) in redemption.

I pray for compensation from the proceeds of the court due to damages in IP suffered as a result of said arrest and seizure of property on June 1 2023 in the sum of eight-hundred million dollars (\$800,000,000.00) in redemption.

Let the record show I as beneficiary wish to be compensated for \$450,000.00 in redemption in lieu of punitive damages.

In agreement with 42 U.S.C. § 14141; IP prays there is an extensive investigation into the 032 Precinct

Gramm-Leach-Bliley Act (GLBA) (15 U.S.C. § 6801 et seq.): The GLBA imposes privacy requirements on financial institutions, requiring them to protect consumers' non-public personal information and provide notice and choice regarding the sharing of such information

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a non frivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

June 15 2023

Dated

Martina Iwala or

Plaintiff's Signature

Martina Inumiden

Given Name

Iwala

Family Name

c/o 117 West 141 Street #46

Street Address

New York New York

County, City

State

646 763 1371

Telephone Number

martinaiwala@icloud.com

Email Address (if available)